

(b) *This section applies only to solar energy property that is constructed or installed on or after January 1, 2014.*

(c) *The chief appraiser shall use the cost method of appraisal to determine the market value of solar energy property.*

(d) *To determine the market value of solar energy property using the cost method of appraisal, the chief appraiser shall:*

- (1) *use cost data obtained from generally accepted sources;*
- (2) *make any appropriate adjustment for physical, functional, or economic obsolescence and any other justifiable factor; and*
- (3) *calculate the depreciated value of the property by using a useful life that does not exceed 10 years.*

(e) *The chief appraiser may not in any tax year determine the depreciated value under Subsection (d)(3) to be less than 20 percent of the value computed after making appropriate adjustments under Subsection (d)(2) to the value determined under Subsection (d)(1).*

SECTION 2. This Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2014.

Passed by the House on May 10, 2013: Yeas 132, Nays 3, 2 present, not voting; passed by the Senate on May 21, 2013: Yeas 28, Nays 3.

Approved June 14, 2013.

Effective January 1, 2014.

## CHAPTER 688

### H.B. No. 2619

#### AN ACT

relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 107.002, Family Code, is amended by adding Subsection (i) to read as follows:

(i) *A guardian ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall, before each scheduled hearing under Chapter 263, determine whether the child's educational needs and goals have been identified and addressed.*

SECTION 2. Section 107.004, Family Code, is amended by adding Subsection (d-2) to read as follows:

(d-2) *An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall, before each scheduled hearing under Chapter 263, determine whether the child's educational needs and goals have been identified and addressed.*

SECTION 3. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0025 to read as follows:

Sec. 263.0025. *APPOINTMENT OF SURROGATE PARENT. (a) If a child in the temporary or permanent conservatorship of the department is eligible under Section 29.003, Education Code, to participate in a school district's special education program, the court may, when necessary to ensure that the educational rights of the child are protected, appoint a surrogate parent who:*

- (1) *is willing to serve in that capacity; and*

(2) *meets the requirements of 20 U.S.C. Section 1415(b) and Section 29.001(10), Education Code.*

(b) *In appointing a surrogate parent for a child, the court shall give preferential consideration to a foster parent of the child as required under Section 29.015, Education Code.*

(c) *If the court does not appoint a child's foster parent to serve as the child's surrogate parent, the court shall give consideration to:*

- (1) *a relative or other designated caregiver as defined by Section 264.751; or*
- (2) *a court-appointed volunteer advocate who has been appointed to serve as the child's guardian ad litem, as provided by Section 107.031(c).*

(d) *The following persons may not be appointed as a surrogate parent for the child:*

- (1) *the department;*
- (2) *the Texas Education Agency;*
- (3) *a school or school district; or*
- (4) *any other agency that is involved in the education or care of the child.*

SECTION 4. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.004 to read as follows:

*Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION DECISION-MAKING. (a) Unless the rights and duties of the department under Section 153.371(10) to make decisions regarding the child's education have been limited by court order, the department shall file with the court a report identifying the name and contact information for each person who has been:*

*(1) designated by the department to make educational decisions on behalf of the child; and*

*(2) assigned to serve as the child's surrogate parent in accordance with 20 U.S.C. Section 1415(b) and Section 29.001(10), Education Code, for purposes of decision-making regarding special education services, if applicable.*

*(b) Not later than the fifth day after the date an adversary hearing under Section 262.201 or Section 262.205 is concluded, the report required by Subsection (a) shall be filed with the court and a copy shall be provided to:*

- (1) each person entitled to notice of a permanency hearing under Section 263.301; and*
- (2) the school the child attends.*

*(c) If a person other than a person identified in the report required by Subsection (a) is designated to make educational decisions or assigned to serve as a surrogate parent, the department shall file with the court an updated report that includes the information required by Subsection (a) for the designated or assigned person. The updated report must be filed not later than the fifth day after the date of designation or assignment.*

SECTION 5. Section 263.306, Family Code, is amended to read as follows:

**Sec. 263.306. PERMANENCY HEARINGS: PROCEDURE.** (a) At each permanency hearing the court shall:

(1) identify all persons or parties present at the hearing or those given notice but failing to appear;

(2) review the efforts of the department or another agency in:

(A) attempting to locate all necessary persons;

(B) requesting service of citation; and

(C) obtaining the assistance of a parent in providing information necessary to locate an absent parent, alleged father, or relative of the child;

(3) review the efforts of each custodial parent, alleged father, or relative of the child before the court in providing information necessary to locate another absent parent, alleged father, or relative of the child;

(4) return the child to the parent or parents if the child's parent or parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;

(5) place the child with a person or entity, other than a parent, entitled to service under Chapter 102 if the person or entity is willing and able to provide the child with a safe environment and the placement of the child is in the child's best interest;

(6) evaluate the department's efforts to identify relatives who could provide the child with a safe environment, if the child is not returned to a parent or another person or entity entitled to service under Chapter 102;

(7) evaluate the parties' compliance with temporary orders and the service plan;

(8) *identify an education decision-maker for the child if one has not previously been identified;*

(9) determine whether:

(A) the child continues to need substitute care;

(B) the child's current placement is appropriate for meeting the child's needs, including with respect to a child who has been placed outside of the state, whether that placement continues to be in the best interest of the child; and

(C) other plans or services are needed to meet the child's special needs or circumstances;

(10) ~~[(9)]~~ if the child is placed in institutional care, determine whether efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child;

(11) ~~[(10)]~~ if the child is 16 years of age or older, order services that are needed to assist the child in making the transition from substitute care to independent living if the services are available in the community;

(12) ~~[(11)]~~ determine plans, services, and further temporary orders necessary to ensure that a final order is rendered before the date for dismissal of the suit under this chapter;

(13) ~~[(12)]~~ if the child is committed to the Texas *Juvenile Justice Department* ~~[Youth Commission]~~ or released under supervision by the Texas *Juvenile Justice Department* ~~[Youth Commission]~~, determine whether the child's needs for treatment, rehabilitation, and education are being met; and

(14) ~~[(13)]~~ determine the date for dismissal of the suit under this chapter and give notice in open court to all parties of:

(A) the dismissal date;

(B) the date of the next permanency hearing; and

(C) the date the suit is set for trial.

(b) The court shall also review the service plan, permanency report, and other information submitted at the hearing to:

(1) determine:

(A) the safety of the child;

(B) the continuing necessity and appropriateness of the placement;

(C) the extent of compliance with the case plan;

(D) *whether the child's education needs and goals have been identified and addressed;*

(E) the extent of progress that has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and

(F) ~~[(E)]~~ whether the department has made reasonable efforts to finalize the permanency plan that is in effect for the child, including the concurrent permanency goals for the child; and

(2) project a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship.

SECTION 6. Section 263.503(a), Family Code, is amended to read as follows:

(a) At each placement review hearing, the court shall determine whether:

(1) the child's current placement is necessary, safe, and appropriate for meeting the child's needs, including with respect to a child placed outside of the state, whether the placement continues to be appropriate and in the best interest of the child;

(2) efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child if the child is placed in institutional care;

(3) the services that are needed to assist a child who is at least 16 years of age in making the transition from substitute care to independent living are available in the community;

(4) other plans or services are needed to meet the child's special needs or circumstances;

(5) the department or authorized agency has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption;

(6) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, a permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;

(7) for a child whose permanency goal is another planned, permanent living arrangement, the department has:

(A) documented a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent is not in the child's best interest; and

(B) identified a family or other caring adult who has made a permanent commitment to the child;

(8) the department or authorized agency has made reasonable efforts to finalize the permanency plan that is in effect for the child; ~~and~~

(9) if the child is committed to the Texas *Juvenile Justice Department* ~~[Youth Commission]~~ or released under supervision by the Texas *Juvenile Justice Department* ~~[Youth Commission]~~, the child's needs for treatment, rehabilitation, and education are being met;

(10) *an education decision-maker for the child has been identified; and*

(11) *the child's education needs and goals have been identified and addressed.*

SECTION 7. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1072 to read as follows:

*Sec. 264.1072. EDUCATIONAL STABILITY. The department shall develop, in accordance with 42 U.S.C. Section 675, a plan to ensure the educational stability of a foster child.*

SECTION 8. Section 266.008(c), Family Code, is amended to read as follows:

(c) The department shall make the passport available to:

(1) *any person authorized by law to make educational decisions for the foster child;*

(2) the person authorized to consent to medical care for the foster child; and

(3) ~~to~~ a provider of medical care to the foster child if access to the foster child's educational information is necessary to the provision of medical care and is not prohibited by law.

SECTION 9. Section 25.001(g), Education Code, is amended to read as follows:

(g) A student enrolled in a *primary or secondary public* ~~[high]~~ school ~~[in grade 9, 10, 11, or 12]~~ who is placed in the conservatorship of ~~[temporary foster care by]~~ the ~~[Texas]~~ Department of Family and Protective ~~[Human]~~ Services and at a residence outside the attendance area for the school or outside the school district is entitled to *continue to attend* ~~[complete high school at]~~ the school in which the student was enrolled *immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition.*

SECTION 10. Section 25.007(b), Education Code, is amended to read as follows:

(b) In recognition of the challenges faced by students in substitute care, the agency shall assist the transition of substitute care students from one school to another by:

(1) ensuring that school records for a student in substitute care are transferred to the student's new school not later than the *10th working* ~~[14th]~~ day after the date the student begins enrollment at the school;

(2) developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school;

(3) developing procedures for awarding credit for course work, including electives, completed by a student in substitute care while enrolled at another school;

(4) promoting practices that facilitate access by a student in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under Chapter 30A, and after-school tutoring programs at nominal or no cost;

(5) establishing procedures to lessen the adverse impact of the movement of a student in substitute care to a new school;

(6) entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;

(7) encouraging school districts and open-enrollment charter schools to provide services for a student in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;

(8) requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student in substitute care by a school previously attended by the student; ~~[and]~~

(9) *requiring school districts to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:*

*(A) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;*

*(B) admission, review, and dismissal committee meetings;*

*(C) manifestation determination reviews required by Section 37.004(b);*

*(D) any disciplinary actions under Chapter 37 for which parental notice is required;*

*(E) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;*

*(F) reports of restraint and seclusion required by Section 37.0021; and*

*(G) use of corporal punishment as provided by Section 37.0011; and*

*(10) providing other assistance as identified by the agency.*

SECTION 11. Section 25.087(b), Education Code, is amended to read as follows:

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days;

(B) attending a required court appearance;

(C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;

(D) taking part in a United States naturalization oath ceremony; ~~[or]~~

(E) serving as an election clerk; *or*

*(F) for a child in the conservatorship of the Department of Family and Protective Services, attending a mental health or therapy appointment or family visitation as ordered by a court under Chapter 262 or 263, Family Code; or*

(2) a temporary absence resulting from an appointment with a health care professional ~~[professionals]~~ if that student commences classes or returns to school on the same day of the appointment.

SECTION 12. (a) Sections 107.002(i) and 107.004(d-2), Family Code, as added by this Act, apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to the Education Code apply beginning with the 2013-2014 school year.

SECTION 13. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

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## CHAPTER 689

### H.B. No. 2621

#### AN ACT

relating to disclaimers of estate property by certain beneficiaries.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 122.051, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 122.051. **FORM AND CONTENTS.** (a) A disclaimer of property receivable by a beneficiary must be evidenced by written memorandum acknowledged before:

(1) a notary public; or

(2) another person authorized to take acknowledgments of conveyances of real estate.

(b) *A disclaimer of property receivable by a beneficiary must include a statement regarding whether the beneficiary is a child support obligor described by Section 122.107.*

SECTION 2. Subchapter C, Chapter 122, Estates Code, as effective January 1, 2014, is amended by adding Section 122.107 to read as follows:

Sec. 122.107. **ATTEMPTED DISCLAIMERS BY CERTAIN CHILD SUPPORT OBLIGORS INEFFECTIVE.** (a) *A disclaimer made by a beneficiary who is a child support obligor of estate property that could be applied to satisfy the beneficiary's child support obligation is not effective if the beneficiary owes child support arrearages that have been:*

(1) *administratively determined by the Title IV-D agency as defined by Section 101.033, Family Code, in a Title IV-D case as defined by Section 101.034, Family Code; or*

(2) *confirmed and reduced to judgment as provided by Section 157.263, Family Code.*

(b) *After distribution of estate property to a beneficiary described by Subsection (a), the child support obligee to whom the child support arrearages are owed may enforce the child support obligation by a lien or by any other remedy provided by law.*

SECTION 3. The change in law made by this Act applies only to a disclaimer filed on or after the effective date of this Act. A disclaimer filed before the effective date of this Act is governed by the law in effect on the date the disclaimer was filed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 1, 2014.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective January 1, 2014.